IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 6239 of 2004

Between:

M/s Lakshmi Srinvasa Ice Factory (Service Connection NO.334-48)
T.Pallipalem, Kalidhindi Mandal, Krishna District rep. By its Managing Partner,G.V.Suryanarayana Raju , ,

..... PETITIONER

AND

1 Chief Managing Director
Transmission corporation of AP Limited (AP. TRANSCO)
rep. By its Chief Managing Director, Vidyut Soudha, Khariatabad , Hyd
2 TheDivisional Engineer, Electrical Operation, Southern Power Distribution Company of AP
Limited Gudivada,
Krishna District
3 TheAssets Divisional Engineer Engineer Operation, Southern Power Distribution Company of AP
Limited Kaikaluru
Krishna District
4 The Assistant Accounts Officer ERO , Southern Power Distribution
Company of AP. Limited Gudivada,
Krishna District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring i) the notice in letter No. AAO/ERO/GDV/JAO.2/MDS.IA/Spl.1/01.D.No. 2393 dt.29/11/2003 of the 4th respondent and ii) disconnection of petitioner's power supply on 1-2-2004 as highly

illegal, arbitrary unjust and contrary to section 26(6) of the Indian Electricity Act, 1910 and consequently set aside the notice dated. 29/11/2004 of the 4th respondent.

Counsel for the Petitioner: MR.D.V.NAGARJUNA BABU

Counsel for the Respondents: Sri. K. Ravendra Kumar, S.C. for AP. Transco.

The Court made the following :

ORDER:

The petitioner herein, who is the Factory, files this Writ Petition, inter alia, seeking to assail the impugned demand notice dated 29.11.2003 and also the consequent dis-connection of the power supply dated 1.2.2004, as illegal arbitrary and also contrary to Section 26(6) of the Indian Electricity Act, 1910.

Though several contentions sought to be urged by both sides, however, having regard to the principles laid down by the Full Bench of this Court reported in KLAYMAN PRUCELAINS LTD. VS. SUPERINTENDING ENGINEER, wherein interpreting the very same provision viz., Section 26(6) of the Indian Electricity Act, it was held that for any remedy, for the allegations of the defects in the meter, lies with the Chief Electrical Inspector. Subsequently, considering the said decision and also the amended provisions by way of A.P. Amendment Act, wherein Section 49-I was introduced to the main Act, it was held that in respect of such meter defects, the remedy of the party aggrieved as against the assessment and the amount of energy consumption, lies with the Special Court, constituted under the said amendment.

Having regard to the same, it is not open for this court to go into any other questions. Accordingly, the Writ Petition is dismissed with liberty to the petitioner to approach the Special Court by way of appeal within a period of four weeks from today. On such filing of appeal, the Special Court shall dispose of the appeal on merits in accordance with law after giving an opportunity and notice to both sides. No costs.

17.01.2005

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To

1 Chief Managing Director
Transmission corporation of AP Limited (AP. TRANSCO)
Vidyut Soudha, Khariatabad , Hyd
2 TheDivisional Engineer, Electrical Operation, Southern Power Distribution Company of AP Limited, Gudivada, Krishna District
3 TheAssets Divisional Engineer Engineer Operation, Southern Power Distribution Company of AP Limited, Kaikaluru, Krishna District
4 The Assistant Accounts Officer ERO , Southern Power Distribution Company of AP. Limited Gudivada,
Krishna District

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